

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SCOTT BOEHM and DAVID STLUKA,

Plaintiffs,

v.

ORDER

LEGENDS OF THE FIELD, LLC, DAN ZIMPRICH,
CIARA ZIMPRICH, and DCT ENTERPRISES, INC.,

15-cv-683-jdp

Defendants.

On November 4, 2016, defendants Ciara Zimprich and Dan Zimprich, “dba DCTEnterprise, Inc.” filed a bankruptcy petition under Chapter 13 of the United States Bankruptcy Code. Dkt. 173; *In re Dan Edward Zimprich and Ciara Autumn Zimprich*, No. 16-13744 (Bankr. W.D. Wis. filed Nov. 4, 2016). As a result, the court effectuated the automatic stay provision in 11 U.S.C. § 362 and stayed this action against the Zimpriches and DCT Enterprises. Dkt. 187. Now plaintiffs Scott Boehm and David Stluka move to lift the stay as to DCT Enterprises, on the grounds that DCT Enterprises is a corporation that is not a party to the Zimpriches’ Chapter 13 bankruptcy proceedings. In support of their motion, plaintiffs adduce the Wisconsin Department of Financial Institution’s records for DCT Enterprises indicating that it is a corporation.

The Zimpriches do not dispute that DCT Enterprises is a corporation. Instead, they argue that the U.S. Bankruptcy Court for the Western District of Wisconsin, not this court, should decide plaintiffs’ motion. But the bankruptcy court does not have jurisdiction over DCT Enterprises, Inc., non-party to the bankruptcy action. Because the corporation DCT Enterprises, Inc., is not a debtor in the Zimpriches’ bankruptcy proceedings, and not subject to the automatic stay under 11 U.S.C. § 362, the court will lift the stay against it.

Cross-motions for summary judgment on the claims against DCT Enterprises are fully briefed. The court will decide these motions in due course. DCT Enterprises is no longer represented by counsel, which means that it can make no further filings in this case until it retains counsel.

ORDER

IT IS ORDERED that plaintiffs Scott Boehm and David Stluka's motion to lift the litigation stay against defendant DCT Enterprises, Inc., Dkt. 202, is GRANTED.

Entered January 6, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge